

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
UNITED STATES OF AMERICA	:	18 Cr. 530 (LGS)
	:	
- v. -	:	
	:	
NAZEER VICKERS,	:	
	:	
Defendant.	:	
-----X		
NAZEER VICKERS,	:	
	:	24 Civ. 5765 (LGS)
Petitioner,	:	
	:	
- v. -	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
-----X		

~~Proposed~~ Order re: Attorney-Client Privilege Waiver

WHEREAS petitioner Nazeer Vickers has moved for relief from his conviction pursuant to 28 U.S.C. § 2255 on the ground of ineffective assistance of counsel; and

WHEREAS the Government, after reviewing the motion papers, has concluded that the testimony of Petitioner’s former counsel, Christopher Flood, Esq. (“Counsel”), will be needed in order to allow the Government to respond to the motion; and

WHEREAS the Court, after reviewing the motion papers, is satisfied that the testimony of Counsel is needed in order to allow the Government to respond to the motion; and

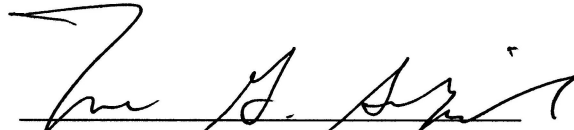
WHEREAS by making the motion, the movant has waived the attorney-client privilege as a matter of law; and

WHEREAS the Court is cognizant that, absent court order or informed consent, ethical concerns may inhibit Counsel from disclosing confidential information relating to a prior client even in the absence of a privilege, *see, e.g.*, ABA Standing Comm. on Ethics and Prof. Responsibility Formal Op. 10-456 (July 14, 2010), *Disclosure of Information to Prosecutor When Lawyer's Former Client Brings Ineffective Assistance of Counsel Claim*;

by October 8, 2024,
IT IS HEREBY ORDERED that Counsel shall give sworn testimony, in the form of an affidavit or declaration under penalty of perjury, addressing the allegations of ineffective assistance of counsel made by movant and may discuss the same with the Government. **It is further**

ORDERED that the September 30, 2024, deadline for the Government to respond to the Petition is **ADJOURNED nunc pro tunc to October 22, 2024.**

Dated: October 1, 2024
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE